

AMENDED IN SENATE APRIL 23, 2009

SENATE BILL

No. 598

Introduced by Senator Huff

February 27, 2009

An act to amend Sections ~~13386, 23575, and 23646~~ 13352 and 13352.4 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 598, as amended, Huff. Vehicles: driving under the influence (DUI): ignition interlock device.

(1) Existing law requires a person's privilege to operate a motor vehicle to be suspended or revoked for a specified period of time if the person has been convicted of violating specified provisions prohibiting driving a motor vehicle while under the influence of an alcoholic beverage or drug, or the combined influence of an alcoholic beverage and drug, or with 0.08% or more, by weight, of alcohol in his or her blood, or who is addicted to the use of any drug. Existing law authorizes a person whose privilege is suspended or revoked in that manner to receive a restricted driver's license if specified requirements are met, including, in some instances, the installation of a certified ignition interlock device on the person's vehicle.

Existing law requires that a person, convicted of driving under the influence, without bodily injury to another, within 10 years of being convicted of a separate violation of one of specified driving-under-the-influence offenses, be punished by his or her driving privilege being suspended for 2 years. The Department of Motor Vehicles is required to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the suspension period, which may include credit for a specified concurrent

suspension, subject to certain conditions, including, among other things, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees, including, but not limited to, all administrative fees or reissue fees.

This bill would require the department to advise the person that he or she may apply for a restricted driver's license after completion of 90 days or 12 months of the suspension period, if the circumstances of the offense involve having 0.08% or more, by weight, of alcohol in the blood.

(2) Existing law requires that a person convicted of driving under the influence, without bodily injury to another, within 10 years of being convicted of 2 separate violations of specified driving-under-the-influence offenses, be punished by his or her driving privilege being revoked for 3 years. The department is required to advise the person that he or she may apply for a restricted driver's license after completion of 12 months of the revocation period, which may include credit for a specified concurrent suspension, subject to certain conditions, including, among other things, satisfactory completion of 12 months of an 18-month or 30-month driving-under-the-influence program, submitting proof of installation of a certified ignition interlock device, agreeing to maintain the ignition interlock device, and paying certain fees.

This bill would instead require the department to advise the person of his or her ability to apply for a restricted driver's license after completion of 6 months or 12 months of the revocation period if the circumstances of the offense involve having 0.08% or more, by weight, of alcohol in the blood, and subject to certain conditions, including that if the person is convicted of a specified offense that person subsequently satisfactorily completes 6 months or 12 months of an 18-month or 30-month driving-under-the-influence program, as prescribed. The bill would require the person to pay a fee sufficient to cover the costs of administration, as determined by the department.

(3) Existing law requires the department, except under certain circumstances, to issue a restricted driver's license to a person whose driver's license was suspended as a result of a conviction under certain driving-under-the-influence violations where, among other things, the conviction resulted from a first offense. The person is required to fulfill certain requirements to obtain the restricted driver's license, including paying certain fees, and the person's driving privilege is restricted to driving to and from work, driving during the course of employment,

and driving to and from activities required in the driving-under-the-influence program.

This bill would prohibit the restriction on the person's driving privilege, with regard to where and when the person is allowed to drive, from applying if the person submits proof of installation of a certified ignition interlock device and agrees to maintain the ignition interlock device. The bill would require that in order to obtain a restricted license the person pay a fee sufficient to cover the costs of administration, as determined by the department. The driver's license record would be required to indicate the person is only allowed to drive with a certified ignition interlock device installed.

(4) Because it is a crime to operate a vehicle that is not equipped with a functioning, certified ignition interlock device by a person whose driving privilege is so restricted, the bill would impose a state-mandated local program by expanding the scope of a crime.

(5) This bill would become operative on July 1, 2010.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Existing law makes it unlawful to operate a motor vehicle while under the influence of alcohol or drugs, or both, or when the driver has a specified percent, by weight, of alcohol in his or her blood, or if the driver is addicted to the use of any drug. A separate provision makes it unlawful to engage in this conduct and to drive in a certain unlawful manner if that conduct causes bodily injury to a person other than the driver.~~

~~Existing law authorizes a court to order a person convicted of a first offense for the above driving-under-the-influence (DUI) violations to install a certified ignition interlock device on any vehicle the person owns or operates, and to prohibit that person from driving a vehicle without one for a period not to exceed 3 years. Once the court orders a person's driving privilege restricted, the person is required to have the ignition interlock device serviced at least once every 60 days, and the installer is required to notify the court if the person fails to comply with the maintenance or calibration requirements 3 or more times.~~

~~This bill would require the court to take into consideration the results of a county alcohol and drug problem assessment for a first offense~~

~~violation who had 0.15% or more, by weight, of alcohol in his or her blood at arrest or a repeat DUI offender in determining the term of the ignition interlock restriction. The bill would require a person required to have a court ordered ignition interlock device on a vehicle to have the device serviced at least once every 30 days, and the installer would be required to notify the court the first time the person failed to comply with the maintenance or calibration requirements.~~

~~(2) Existing law authorizes a person who has been convicted of a DUI violation and the offense occurred within 10 years of one or more separate DUI violations to apply to the Department of Motor Vehicles for a restricted driver's license that prohibits the person from operating a vehicle unless that vehicle is equipped with a functioning certified ignition interlock device. A person whose driving privilege is so restricted by the department is required to have the ignition interlock device serviced at least once every 60 days, and the installer is required to notify the department if the person fails to comply with the maintenance or calibration requirements 3 or more times.~~

~~This bill would authorize a person convicted of a DUI violation where the person had 0.15% or more, by weight, of alcohol in his or her blood at arrest to apply to the department for a restricted driver's license that prohibits the person from operating a vehicle unless that vehicle is equipped with a functioning certified ignition interlock device. The bill would require a person with an ignition interlock device on a vehicle pursuant to this provision to have it serviced at least once every 30 days, and the installer would be required to notify the department the first time the person failed to comply with the maintenance or calibration requirements.~~

~~(3) Existing law requires the department to develop certain standard forms and procedures with regard to the certified ignition interlock device. The "Option to Install" is required to be sent to repeat offenders along with the mandatory orders of suspension or revocation and include information on alternatives available for early license reinstatement with the installation of an ignition interlock device.~~

~~This bill would require that the "Option to Install" also be sent to an offender with 0.15% or more, by weight, of alcohol in his or her blood at arrest.~~

~~(4) Existing law authorizes a court to order a person convicted of a DUI violation to attend a county alcohol and drug problem assessment program. If the person is sentenced under DUI provisions for first-time offenders and the assessment program recommends additional treatment,~~

~~the court is authorized to order the person to complete either an 18- or 30-month driving-under-the-influence program.~~

~~This bill would require the court to make the order if the assessment program recommends additional treatment.~~

~~(5) Existing law requires a court to order a person convicted of a DUI violation and the offense occurred within 10 years of one or more separate DUI violations to attend a county alcohol and drug problem assessment program.~~

~~This bill would additionally require a court to order a person convicted of a DUI violation where the person had 0.15% or more, by weight, of alcohol in his or her blood at arrest to attend a county alcohol and drug problem assessment program.~~

~~(6) Because it is a crime to operate a vehicle that is not equipped with a functioning, certified ignition interlock device by a person whose driving privilege is so restricted, the bill would impose a state-mandated local program by expanding the scope of a crime.~~

~~(7) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 13352 of the Vehicle Code is amended to*
2 *read:*
3 13352. (a) The department shall immediately suspend or
4 revoke the privilege of a person to operate a motor vehicle upon
5 the receipt of an abstract of the record of a court showing that the
6 person has been convicted of a violation of Section 23152 or 23153,
7 subdivision (a) of Section 23109, or Section 23109.1, or upon the
8 receipt of a report of a judge of the juvenile court, a juvenile traffic
9 hearing officer, or a referee of a juvenile court showing that the
10 person has been found to have committed a violation of Section
11 23152 or 23153 or subdivision (a) of Section 23109 or Section
12 23109.1. If an offense specified in this section occurs in a vehicle
13 defined in Section 15210, the suspension or revocation specified
14 below shall apply to the noncommercial driving privilege. The

1 commercial driving privilege shall be disqualified as specified in
2 Sections 15300 to 15302, inclusive. For the purposes of this
3 section, suspension or revocation shall be as follows:

4 (1) Except as required under Section 13352.1 or ~~Section~~
5 13352.4, upon a conviction or finding of a violation of Section
6 23152 punishable under Section 23536, the privilege shall be
7 suspended for a period of six months.

8 The privilege may not be reinstated until the person gives proof
9 of financial responsibility and gives proof satisfactory to the
10 department of successful completion of a
11 driving-under-the-influence program licensed pursuant to Section
12 11836 of the Health and Safety Code described in subdivision (b)
13 of Section 23538. If the court, as authorized under paragraph (3)
14 of subdivision (b) of Section 23646, elects to order a person to
15 enroll, participate, and complete either program described in
16 subdivision (b) of Section 23542, the department shall require that
17 program in lieu of the program described in subdivision (b) of
18 Section 23538. For the purposes of this paragraph, enrollment,
19 participation, and completion of an approved program shall be
20 subsequent to the date of the current violation. Credit may not be
21 given to any program activities completed prior to the date of the
22 current violation.

23 (2) Upon a conviction or finding of a violation of Section 23153
24 punishable under Section 23554, the privilege shall be suspended
25 for a period of one year. The privilege may not be reinstated until
26 the person gives proof of financial responsibility and gives proof
27 satisfactory to the department of successful completion of a
28 driving-under-the-influence program licensed pursuant to Section
29 11836 of the Health and Safety Code as described in subdivision
30 (b) of Section 23556. If the court, as authorized under paragraph
31 (3) of subdivision (b) of Section 23646, elects to order a person
32 to enroll, participate, and complete either program described in
33 subdivision (b) of Section 23542, the department shall require that
34 program in lieu of the program described in Section 23556. For
35 the purposes of this paragraph, enrollment, participation, and
36 completion of an approved program shall be subsequent to the date
37 of the current violation. Credit may not be given to any program
38 activities completed prior to the date of the current violation.

39 (3) Except as provided in Section 13352.5, upon a conviction
40 or finding of a violation of Section 23152 punishable under Section

23540, the privilege shall be suspended for two years. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23542. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise ~~the person~~ *a person convicted or found to be in violation of subdivision (a) of Section 23152* that after completion of 12 months of the suspension period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver's ~~license~~; *license. The department shall advise a person convicted or found to be in violation of subdivision (b) of Section 23152 that after completion of 90 days of the suspension period, which may include credit for a suspension period served under subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver's license. Eligibility for the restricted driver's license is subject to the following conditions:*

(A) The person has satisfactorily provided, subsequent to the violation date of the current underlying conviction, either of the following:

(i) Proof of enrollment in an 18-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code.

(ii) Proof of enrollment in a 30-month driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code, if available in the county of the person's residence or employment.

(B) The person agrees, as a condition of the restriction, to continue satisfactory participation in the program described in subparagraph (A).

(C) The person submits the "Verification of Installation" form described in paragraph (2) of subdivision (g) of Section 13386.

(D) The person agrees to maintain the ignition interlock device as required under subdivision (g) of Section 23575.

1 (E) The person provides proof of financial responsibility, as
2 defined in Section 16430.

3 (F) The person pays all ~~administrative fees or~~ reissue fees and
4 any restriction fee required by the department.

5 (G) *The person pays to the department a fee sufficient to cover*
6 *the costs of administration of this paragraph, as determined by*
7 *the department.*

8 ~~(G)~~

9 (H) The restriction shall remain in effect for the period required
10 in subdivision (f) of Section 23575.

11 (4) Except as provided in this paragraph, upon a conviction or
12 finding of a violation of Section 23153 punishable under Section
13 23560, the privilege shall be revoked for a period of three years.
14 The privilege may not be reinstated until the person gives proof
15 of financial responsibility, and the person gives proof satisfactory
16 to the department of successful completion of a
17 driving-under-the-influence program licensed pursuant to Section
18 11836 of the Health and Safety Code, as described in paragraph
19 (4) of subdivision (b) of Section 23562. For the purposes of this
20 paragraph, enrollment, participation, and completion of an
21 approved program shall be subsequent to the date of the current
22 violation. Credit shall not be given to any program activities
23 completed prior to the date of the current violation. The department
24 shall advise the person that after the completion of 12 months of
25 the revocation period, which may include credit for a suspension
26 period served under subdivision (c) of Section 13353.3, the person
27 may apply to the department for a restricted driver's license, subject
28 to the following conditions:

29 (A) The person has satisfactorily completed, subsequent to the
30 violation date of the current underlying conviction, either of the
31 following:

32 (i) The initial 12 months of an 18-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code.

35 (ii) The initial 12 months of a 30-month
36 driving-under-the-influence program licensed pursuant to Section
37 11836 of the Health and Safety Code, if available in the county of
38 the person's residence or employment, and the person agrees, as
39 a condition of the restriction, to continue satisfactory participation
40 in that 30-month program.

1 (B) The person submits the “Verification of Installation” form
2 described in paragraph (2) of subdivision (g) of Section 13386.

3 (C) The person agrees to maintain the ignition interlock device
4 as required under subdivision (g) of Section 23575.

5 (D) The person provides proof of financial responsibility, as
6 defined in Section 16430.

7 (E) The person pays all applicable reinstatement or reissue fees
8 and any restriction fee required by the department.

9 (F) The restriction shall remain in effect for the period required
10 in subdivision (f) of Section 23575.

11 (5) Except as provided in this paragraph, upon a conviction or
12 finding of a violation of Section 23152 punishable under Section
13 23546, the privilege shall be revoked for a period of three years.
14 The privilege may not be reinstated until the person files proof of
15 financial responsibility and gives proof satisfactory to the
16 department of successful completion of one of the following
17 programs: an 18-month driving-under-the-influence program
18 licensed pursuant to Section 11836 of the Health and Safety Code,
19 as described in subdivision (b) or (c) of Section 23548, or, if
20 available in the county of the person’s residence or employment,
21 a 30-month driving-under-the-influence program licensed pursuant
22 to Section 11836 of the Health and Safety Code, or a program
23 specified in Section 8001 of the Penal Code. For the purposes of
24 this paragraph, enrollment, participation, and completion of an
25 approved program shall be subsequent to the date of the current
26 violation. Credit shall not be given to any program activities
27 completed prior to the date of the current violation. The department
28 shall advise ~~the person~~ *a person convicted or found to be in*
29 *violation of subdivision (a) of Section 23152* that after completion
30 of 12 months of the revocation period, which may include credit
31 for a suspension period served under subdivision (c) of Section
32 13353.3, the person may apply to the department for a restricted
33 driver’s ~~license~~, *license. The department shall advise a person*
34 *convicted or found to be in violation of subdivision (b) of Section*
35 *23152 that after completion of six months of the revocation period,*
36 *which may include credit for a suspension period served under*
37 *subdivision (c) of Section 13353.3, the person may apply to the*
38 *department for a restricted driver’s license. Eligibility for the*
39 *restricted driver’s license is subject to the following conditions:*

1 (A) The person has satisfactorily completed, subsequent to the
2 violation date of the current underlying conviction, ~~either one of~~
3 the following:

4 (i) ~~The~~ *With regard to a conviction under subdivision (a) of*
5 *Section 23152, the initial 12 months of an 18-month*
6 *driving-under-the-influence program licensed pursuant to Section*
7 *11836 of the Health and Safety Code.*

8 (ii) ~~The~~ *With regard to a conviction under subdivision (a) of*
9 *Section 23152, the initial 12 months of a 30-month*
10 *driving-under-the-influence program licensed pursuant to Section*
11 *11836 of the Health and Safety Code, if available in the county of*
12 *the person's residence or employment, and the person agrees, as*
13 *a condition of the restriction, to continue satisfactory participation*
14 *in the 30-month driving-under-the-influence program.*

15 (iii) *With regard to a conviction under subdivision (b) of Section*
16 *23152, the initial six months of an 18-month*
17 *driving-under-the-influence program licensed pursuant to Section*
18 *11836 of the Health and Safety Code.*

19 (iv) *With regard to a conviction under subdivision (b) of Section*
20 *23152, the initial six months of a 30-month*
21 *driving-under-the-influence program licensed pursuant to Section*
22 *11836 of the Health and Safety Code, if available in the county of*
23 *the person's residence or employment, and the person agrees, as*
24 *a condition of the restriction, to continue satisfactory participation*
25 *in the 30-month driving-under-the-influence program.*

26 (B) The person submits the "Verification of Installation" form
27 described in paragraph (2) of subdivision (g) of Section 13386.

28 (C) The person agrees to maintain the ignition interlock device
29 as required under subdivision (g) of Section 23575.

30 (D) The person provides proof of financial responsibility, as
31 defined in Section 16430.

32 (E) An individual convicted of a violation of Section 23152
33 punishable under Section 23546 may also, at any time after
34 sentencing, petition the court for referral to an 18-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, or, if available in the county
37 of the person's residence or employment, a 30-month
38 driving-under-the-influence program licensed pursuant to Section
39 11836 of the Health and Safety Code. Unless good cause is shown,
40 the court shall order the referral.

1 (F) The person pays all applicable reinstatement or reissue fees
2 and any restriction fee required by the department.

3 (G) *The person pays to the department a fee sufficient to cover*
4 *the costs of administration of this paragraph, as determined by*
5 *the department.*

6 ~~(G)~~

7 (H) The restriction shall remain in effect for the period required
8 in subdivision (f) of Section 23575.

9 (6) Except as provided in this paragraph, upon a conviction or
10 finding of a violation of Section 23153 punishable under Section
11 23550.5 or 23566, the privilege shall be revoked for a period of
12 five years. The privilege may not be reinstated until the person
13 gives proof of financial responsibility and proof satisfactory to the
14 department of successful completion of one of the following
15 programs: an 18-month driving-under-the-influence program
16 licensed pursuant to Section 11836 of the Health and Safety Code,
17 as described in subdivision (b) of Section 23568 or, if available in
18 the county of the person's residence or employment, a 30-month
19 driving-under-the-influence program licensed pursuant to Section
20 11836 of the Health and Safety Code, or a program specified in
21 Section 8001 of the Penal Code. For the purposes of this paragraph,
22 enrollment, participation, and completion of an approved program
23 shall be subsequent to the date of the current violation. Credit shall
24 not be given to any program activities completed prior to the date
25 of the current violation. The department shall advise the person
26 that after the completion of 12 months of the revocation period,
27 which may include credit for a suspension period served under
28 subdivision (c) of Section 13353.3, the person may apply to the
29 department for a restricted driver's license, subject to the following
30 conditions:

31 (A) The person has satisfactorily completed, subsequent to the
32 violation date of the current underlying conviction, either of the
33 following:

34 (i) The initial 12 months of a 30-month
35 driving-under-the-influence program licensed pursuant to Section
36 11836 of the Health and Safety Code, if available in the county of
37 the person's residence or employment, and the person agrees, as
38 a condition of the restriction, to continue satisfactory participation
39 in the 30-month driving-under-the-influence program.

1 (ii) The initial 12 months of an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code, if a 30-month program is
4 unavailable in the person's county of residence or employment.

5 (B) The person submits the "Verification of Installation" form
6 described in paragraph (2) of subdivision (g) of Section 13386.

7 (C) The person agrees to maintain the ignition interlock device
8 as required under subdivision (g) of Section 23575.

9 (D) The person provides proof of financial responsibility, as
10 defined in Section 16430.

11 (E) An individual convicted of a violation of Section 23153
12 punishable under Section 23566 may also, at any time after
13 sentencing, petition the court for referral to an 18-month
14 driving-under-the-influence program or, if available in the county
15 of the person's residence or employment, a 30-month
16 driving-under-the-influence program licensed pursuant to Section
17 11836 of the Health and Safety Code. Unless good cause is shown,
18 the court shall order the referral.

19 (F) The person pays all applicable reinstatement or reissue fees
20 and any restriction fee required by the department.

21 (G) The restriction shall remain in effect for the period required
22 in subdivision (f) of Section 23575.

23 (7) Except as provided in this paragraph, upon a conviction or
24 finding of a violation of Section 23152 punishable under Section
25 23550 or 23550.5, or Section 23153 punishable under Section
26 23550.5 the privilege shall be revoked for a period of four years.
27 The privilege may not be reinstated until the person gives proof
28 of financial responsibility and proof satisfactory to the department
29 of successful completion of one of the following programs: an
30 18-month driving-under-the-influence program licensed pursuant
31 to Section 11836 of the Health and Safety Code, or, if available
32 in the county of the person's residence or employment, a 30-month
33 driving-under-the-influence program licensed pursuant to Section
34 11836 of the Health and Safety Code, or a program specified in
35 Section 8001 of the Penal Code. For the purposes of this paragraph,
36 enrollment, participation, and completion of an approved program
37 shall be subsequent to the date of the current violation. Credit shall
38 not be given to any program activities completed prior to the date
39 of the current violation. The department shall advise the person
40 that after the completion of 12 months of the revocation period,

1 which may include credit for a suspension period served under
2 subdivision (c) of Section 13353.3, the person may apply to the
3 department for a restricted driver's license, subject to the following
4 conditions:

5 (A) The person has satisfactorily completed, subsequent to the
6 violation date of the current underlying conviction, either of the
7 following:

8 (i) The initial 12 months of an 18-month
9 driving-under-the-influence program licensed pursuant to Section
10 11836 of the Health and Safety Code.

11 (ii) The initial 12 months of a 30-month
12 driving-under-the-influence program licensed pursuant to Section
13 11836 of the Health and Safety Code, if available in the county of
14 the person's residence or employment, and the person agrees, as
15 a condition of the restriction, to continue satisfactory participation
16 in the 30-month driving-under-the-influence program.

17 (B) The person submits the "Verification of Installation" form
18 described in paragraph (2) of subdivision (g) of Section 13386.

19 (C) The person agrees to maintain the ignition interlock device
20 as required under subdivision (g) of Section 23575.

21 (D) The person provides proof of financial responsibility, as
22 defined in Section 16430.

23 (E) An individual convicted of a violation of Section 23152
24 punishable under Section 23550 may also, at any time after
25 sentencing, petition the court for referral to an 18-month
26 driving-under-the-influence program or, if available in the county
27 of the person's residence or employment, a 30-month
28 driving-under-the-influence program licensed pursuant to Section
29 11836 of the Health and Safety Code. Unless good cause is shown,
30 the court shall order the referral.

31 (F) The person pays all applicable reinstatement or reissue fees
32 and any restriction fee required by the department.

33 (G) The restriction shall remain in effect for the period required
34 in subdivision (f) of Section 23575.

35 (8) Upon a conviction or finding of a violation of ~~Section~~
36 ~~23109.1 or~~ subdivision (a) of Section 23109 that is punishable
37 under subdivision (e) of that section, the privilege shall be
38 suspended for a period of 90 days to six months, if ordered by the
39 court. The privilege may not be reinstated until the person gives
40 proof of financial responsibility, as defined in Section 16430.

1 (9) Upon a conviction or finding of a violation of subdivision
2 (a) of Section 23109 that is punishable under subdivision (f) of
3 that section, the privilege shall be suspended for a period of six
4 months, if ordered by the court. The privilege may not be reinstated
5 until the person gives proof of financial responsibility, as defined
6 in Section 16430.

7 (b) For the purpose of paragraphs (2) to (9), inclusive, of
8 subdivision (a), the finding of the juvenile court judge, the juvenile
9 hearing officer, or the referee of a juvenile court of a commission
10 of a violation of Section 23152 or 23153 or subdivision (a) of
11 Section 23109 or Section 23109.1, as specified in subdivision (a)
12 of this section, is a conviction.

13 (c) A judge of a juvenile court, juvenile hearing officer, or
14 referee of a juvenile court shall immediately report the findings
15 specified in subdivision (a) to the department.

16 (d) A conviction of an offense in a state, territory, or possession
17 of the United States, the District of Columbia, the Commonwealth
18 of Puerto Rico, or Canada that, if committed in this state, would
19 be a violation of Section 23152, is a conviction of Section 23152
20 for the purposes of this section, and a conviction of an offense
21 that, if committed in this state, would be a violation of Section
22 23153, is a conviction of Section 23153 for the purposes of this
23 section. The department shall suspend or revoke the privilege to
24 operate a motor vehicle pursuant to this section upon receiving
25 notice of that conviction.

26 (e) For the purposes of the restriction conditions specified in
27 paragraphs (3) to (7), inclusive, of subdivision (a), the department
28 shall terminate the restriction imposed pursuant to this section and
29 shall suspend or revoke the person's driving privilege upon receipt
30 of notification from the driving-under-the-influence program that
31 the person has failed to comply with the program requirements.
32 The person's driving privilege shall remain suspended or revoked
33 for the remaining period of the original suspension or revocation
34 imposed under this section and until all reinstatement requirements
35 described in this section are met.

36 (f) For the purposes of this section, completion of a program is
37 the following:

38 (1) Satisfactory completion of all program requirements
39 approved pursuant to program licensure, as evidenced by a

1 certificate of completion issued, under penalty of perjury, by the
2 licensed program.

3 (2) Certification, under penalty of perjury, by the director of a
4 program specified in Section 8001 of the Penal Code, that the
5 person has completed a program specified in Section 8001 of the
6 Penal Code.

7 (g) The holder of a commercial driver's license who was
8 operating a commercial motor vehicle, as defined in Section 15210,
9 at the time of a violation that resulted in a suspension or revocation
10 of the person's noncommercial driving privilege under this section
11 is not eligible for the restricted driver's license authorized under
12 paragraphs (3) to (7), inclusive, of subdivision (a).

13 *SEC. 2. Section 13352.4 of the Vehicle Code is amended to*
14 *read:*

15 13352.4. (a) Except as provided in subdivision (h), the
16 department shall issue a restricted driver's license to a person
17 whose driver's license was suspended under paragraph (1) of
18 subdivision (a) of Section 13352 or Section 13352.1, if the person
19 meets all of the following requirements:

20 (1) Submits proof satisfactory to the department of enrollment
21 in, or completion of, a driving-under-the-influence program
22 licensed pursuant to Section 11836 of the Health and Safety Code,
23 as described in subdivision (b) of Section 23538.

24 (2) Submits proof of financial responsibility, as defined in
25 Section 16430.

26 (3) Pays all applicable reinstatement or reissue fees and any
27 restriction fee required by the department.

28 (4) *Pays to the department a fee sufficient to cover the costs of*
29 *administrative of this section, as determined by the department.*

30 (b) The restriction of the driving privilege shall become effective
31 when the department receives all of the documents and fees
32 required under subdivision (a) and shall remain in effect until the
33 final day of the original suspension imposed under paragraph (1)
34 of subdivision (a) of Section 13352 or Section 13352.1, or until
35 the date all reinstatement requirements described in Section 13352
36 or ~~Section~~ 13352.1 have been met, whichever date is later, and
37 may include credit for any suspension period served under
38 subdivision (c) of Section 13353.3.

39 (c) (1) The restriction of the driving privilege shall be limited
40 to the hours necessary for driving to and from the person's place

1 of employment, driving during the course of employment, and
2 driving to and from activities required in the
3 driving-under-the-influence program.

4 *(2) The restriction described in paragraph (1) shall not apply*
5 *if the person fulfills both the following requirements:*

6 *(A) The person submits the “Verification of Installation” form*
7 *described in paragraph (2) of subdivision (g) of Section 13386.*

8 *(B) The person agrees to maintain the ignition interlock device*
9 *as required under subdivision (g) of Section 23575.*

10 *(3) If the person fulfills the requirements of paragraph (2), the*
11 *person’s driver’s license record shall indicate the restriction that*
12 *the person may only drive a vehicle with a certified ignition*
13 *interlock device installed.*

14 (d) Whenever the driving privilege is restricted under this
15 section, proof of financial responsibility, as defined in Section
16 16430, shall be maintained for three years. If the person does not
17 maintain that proof of financial responsibility at any time during
18 the restriction, the driving privilege shall be suspended until the
19 proof required under Section 16484 is received by the department.

20 (e) For the purposes of this section, enrollment, participation,
21 and completion of an approved program shall be subsequent to the
22 date of the current violation. Credit may not be given to a program
23 activity completed prior to the date of the current violation.

24 (f) The department shall terminate the restriction issued under
25 this section and shall suspend the privilege to operate a motor
26 vehicle pursuant to paragraph (1) of subdivision (a) of Section
27 13352 or Section 13352.1 immediately upon receipt of notification
28 from the driving-under-the-influence program that the person has
29 failed to comply with the program requirements. The privilege
30 shall remain suspended until the final day of the original suspension
31 imposed under paragraph (1) of subdivision (a) of Section 13352
32 or Section 13352.1, or until the date all reinstatement requirements
33 described in Section 13352 or ~~Section~~ 13352.1 have been met,
34 whichever date is later.

35 (g) The holder of a commercial driver’s license who was
36 operating a commercial motor vehicle, as defined in Section 15210,
37 at the time of a violation that resulted in a suspension or revocation
38 of the person’s noncommercial driving privilege under paragraph
39 (1) of subdivision (a) of Section 13352 or Section 13352.1 is not

1 eligible for the restricted driver's license authorized under this
2 section.

3 (h) If, upon conviction, the court has made the determination,
4 as authorized under subdivision (d) of Section 23536 or paragraph
5 (3) of subdivision (a) of Section 23538, to disallow the issuance
6 of a restricted driver's license, the department may not issue a
7 restricted driver's license under this section.

8 *SEC. 3. This act shall become operative on July 1, 2010.*

9 *SEC. 4. No reimbursement is required by this act pursuant to*
10 *Section 6 of Article XIII B of the California Constitution because*
11 *the only costs that may be incurred by a local agency or school*
12 *district will be incurred because this act creates a new crime or*
13 *infraction, eliminates a crime or infraction, or changes the penalty*
14 *for a crime or infraction, within the meaning of Section 17556 of*
15 *the Government Code, or changes the definition of a crime within*
16 *the meaning of Section 6 of Article XIII B of the California*
17 *Constitution.*

18
19
20 **All matter omitted in this version of the bill**
21 **appears in the bill as introduced in the**
22 **Senate, February 27, 2009. (JR11)**
23